IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

WP(C).No. 376 of 2006(T)

PETITIONER:

1. **DR. JAGANNADH. V., LECTURER IN ZOOLOGY, ST.PETER'S COLLEGE, KOLENCHERY ERNAKULAM DISTRICT.**
2. **DR. MANJU. M.R., LECTURER IN BOTANY ST.PETER'S COLLEGE, KOLENCHERY, ERNAKULAM DISTRICT.**
3. **DR. BENOJ MATHEW, LECTURER IN BOTANY ST.PETER'S COLLEGE KOLENCHERY, ERNAKULAM.**
4. **DR. JINU GEORGE, LECTURER IN ENGLISH, ST.PETER'S COLLEGE, KOLENCHERY, ERNAKULAM DISTRICT.**

BY ADV. SRI.P.R.PADMANABHAN NAIR

RESPONDENTS:

1. **DEPUTY DIRECTOR OF COLLEGIATE EDUCATION, CENTRAL ZONE, ERNAKULAM.**
2. **REGISTRAR, MAHATMA GANDHI UNIVERSITY ATHIRAMPUZHA, KOTTAYAM-686 560.**
3. **SECRETARY, UNIVERSITY GRANTS COMMISSION, BAHADOORSHAH SAFAR MARG, NEW DELHI-110 002.**
4. **THE PRINCIPAL, ST. PETER'S COLLEGE, KOLENCHERY, ERNAKULAM DISTRICT.**

BY ADV. SRI.C.M.NAZAR, CGC
SRI.K.P.DANDAPANI
SRI.S.KRISHNAMOORTHY
SRI. T.A. SHAJI, SC, M.G.UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/06/2007, ALONG WITH 5412/2006 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.376/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE APPOINTMENT ORDER NO.S.12/2002(3) DT. 4.1.02 ISSUED BY THE SECRETARY, ST.PETER'S COLLEGE TRUST, KOLENCHERY, ERNAKULAM TO THE 1ST PETITIONER.

EXT.P2:- COPY OF THE DOCTORATE DEGREE OF THE 1ST PETITIONER DT.5.5.93 FROM CALICUT UNIVERSITY.

EXT.P3:- COPY OF THE APPOINTMENT ORDER NO.S 12/02 DT. 3.6.02 ISSUED BY THE SECRETARY, ST. PETER'S COLLEGE TRUST, KOLENCHERY, ERNAKULAM TO THE 2ND PETITIONER.

EXT.P4:- COPY OF THE DOCTORATE DEGREE OF THE 2ND PETITIONER DT. 1.4.93 FROM KOCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY.

EXT.P5:- COPY OF THE APPOINTMENT ORDER NO.S12/TS/2002 DT. 5.9.02 ISSUE BY THE SECRETARY, ST.PETER'S COLLEGE TRUST, KOLENCHERY, ERNAKULAM TO THE 3D PETITIONER.

EXT.P6:- COPY OF THE DOCTORATE DEGREE OF THE 3RD PETITIONER DT. 16.12.99 FROM CALICUT UNIVERSITY.

EXT.P7:- COPY OF THE APPOINTMENT ORDER NO.S12/TS/02 DT. 5.9.02 ISSUED BY THE SECRETARY, ST.PETER'S COLLEGE TRUST, KOLENCHERY, ERNAKULAM TO THE 4TH PETITIONER.

EXT.P8:- COPY OF THE DOCTORATE DEGREE OF THE 4TH PETITIONER DT. 24.7.04 FROM RANCHI UNIVERSITY.

EXT.P9:- COPY OF THE MEMO NO.AC.B IV-3-1497/93 DT. PRIYADARSHINI HILLS, KOTTAYAM 18.3.04 FROM THE REGISTRAR, M.G.UNIVERSITY, THE 2ND RESPONDENT.

EXT.P10:- COPY OF THE ORDER NO.AD.A11(2) 1626/98/ADMN. DT. PD. HILLS 7.9.2000 FROM THE REGISTRAR MAHATMA GANDHI UNIVERSITY, THE 2ND RESPONDENT INCLUDING THE UGC SCHEME.

EXT.P11:- COPY OF THE NOTIFICATION NO.F1-1/02 (PS) EXEMPTED 31.7.02 FROM THE UNIVERSITY GRANTS COMMISSION , NEW DELHI 110 002.

EXT.P12:- COPY OF THE ORDER NO.F3-1/02 (PS) DT. 16.1.03 FROM THE UNIVERSITY GRANTS COMMISSION NEW DELHI 110 002.

EXT.P13:- COPY OF THE ORDER NO.F3-1/2002(PS) DT.15.7.03 FROM THE UNIVERSITY GRANTS COMMISSION, NEW DELHI 110 002.

EXT.P14:- COPY OF THE LETTER NO.ESTT.TS/3412/04 DT. 5.5.05 TO THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION, ERNAKULAM THE 1ST RESPONDENT FROM PRINCIPAL ST.PETER'S COLLEGE, KOLENCHERY, ERNAKULAM.

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EXT.P15:- COPY OF THE LETTER DT. 7.9.05 FROM THE PRINCIPAL ST.PETER'S COLLEGE, KOLENCHERY , ERNAKULAM TO THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION, ERNAKULAM THE 1ST RESPONDENT.

EXT.P16:- COPY OF THE LETTER NO.A3/3637/05 DT. 3.12.05 TO THE PRINCIPAL , ST.PETER'S COLLEGE, KOLENCHERY, ERNAKULAM FROM THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION, THE 1ST RESPONDENT.

RESPONDENTS EXHIBITS

EXT.R3(a):- COPY OF THE NOTIFICATION DT. 27.7.98 ISSUED BY THE MINISTRY OF HUMAN RESOURCES DEVELOPMENT.

EXT.R3(b):- COPY OF THE NOTIFICATION DT. 24.12.98 ISSUED BY THE UGC.

/TRUE COPY/

tss

KURIAN JOSEPH J.

W.P.(C) Nos.376 & 5412 of 2006

Dated 20th June, 2007.

J U D G M E N T

The issue raised in these writ petitions pertains to the grant of advance increments and revision of pay, on account of the Ph.D. they had acquired at the time of their appointment. It is seen that the issue is squarely covered in favour of the petitioners by the bench decision of this Court in W.A.1044/05 and connected cases. Accordingly, these writ petitions are also disposed of directing the Deputy Director of Collegiate Education concerned to take appropriate action in the case of the petitioners, in the light of the above judgment, within two months from the date of production of a copy of this judgment, along with a copy of the judgment referred to above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO. OF 200

J U D G M E N T

Dated 20th June, 2007.